

## **REMARKS**

Claims 1 through 17 and 20 are pending in the application. Claims 2-6 and 13 have been withdrawn from consideration as drawn to a non-elected invention. Claims 1, 10 and 14 have been amended.

The following issues are outstanding in the office action dated October 6, 2003:

- Claims 14-17 and 20 have been rejected under 35 U.S.C. Section 112 (1) as not being supported by the disclosure in the specification.
- Claims 1 and 7-12 have been rejected under 35 U.S.C. Section 112 (2) as being indefinite.
- Claims 1 & 10 have been rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Morgan (U.S. Patent No. 6,202,528).
- Claims 7-9, 11 & 12 have been rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Morgan in view of Robinson (U.S. Patent No 3,104,575).
- Claims 14-17 and 20 have been indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. Section 112(1).

Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

### **I. REJECTION UNDER 35 U.S.C. SECTION 112 (1)**

Claims 14-17 and 20 have been rejected under 35 U.S.C. Section 112(1) as not being supported by the original disclosure. Specifically, the office action stated that the original disclosure does not appear to provide support for a “mixture” of the two metallic materials, but rather provides support for a “combination” of the two materials. Applicant has amended claim

14 to recite a “combination” of metallic materials rather than a “mixture”. Accordingly, the rejection is now moot, and withdrawal thereof is respectfully requested.

## **II. REJECTION UNDER 35 U.S.C. SECTION 112 (2)**

Claims 1 and 7-12 have been rejected under 35 U.S.C. Section 112 (2), as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Office Action states that the recitation of “a single threaded shaft” in claims 1 and 10 renders the claims vague and indefinite as to what “single” refers, and suggested placement of a comma after single. Applicant has amended claims 1 and 10 as suggested, and now respectfully requests the amendment be entered and the rejection withdrawn as moot.

## **III. REJECTIONS UNDER 35 U.S.C. SECTION 103**

Claims 1 & 10 have been rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Morgan (U.S. Patent No. 6,202,528). The Office Action states that “Morgan discloses a guide with almost every structural limitation of the claimed invention.” Applicant respectfully disagrees with this assertion.

In the Office Action, official notice was taken that “it is old and well known in the art to attach components by using a center shaft connection along with anti-rotation nubs, teeth, detents or the like.” No reference was cited by the Examiner for this proposition. Applicant contends that such a configuration is not old and well known in the art and in fact was unheard of prior to the present invention.

To assist the Examiner in better understanding the present invention, a prototype model has been included with this response. The Examiner is free to retain the model upon completion of the application process.

Applicant acknowledges that the use of a **single center shaft** in connection with cylindrical guide blocks having an attached guide disc such as is shown in figures 9-11 of Morgan, is well known in the art of saw blade guides. When such a guide block is utilized, rotation of the block during use and alignment of the block with the blade are not issues of concern because the block has a uniform cross-section and no edges that could catch on the blade teeth if the guide is not properly aligned. Thus, when a cylindrical guide block is utilized, it doesn't matter whether the guide block is fixed with regard to the shaft or rotatable with regard to the shaft since there will be no variation in the orientation of the guide block with the blade either way. Further, Morgan specifically teaches fixedly attaching the guide discs 22 and 23 to the guide bolt by a braze 24. As such, anti-rotation nubs, teeth, detents and the like are not used and have never been used to selectively prevent relative movement of a cylindrical guide block and shaft because relative movement between the two are of no consequence.

Polygonal shaped guide blocks present an entirely different set of concerns. A guide block having a rectangular cross-section is preferable to a cylindrical guide block because it allows for more surface area contact between the blade and guide block which provides reduced vibration in the saw mill. A draw back of prior art rectangular saw blade guides, like Figures 1-8 of Morgan, is that they cannot be adjusted as easily and quickly as cylindrical guide blocks because alignment with the blade is a concern. If a rectangular block is not properly aligned, an edge thereof could come into contact with the teeth of the blade during operation presenting a hazzard to the operator and to the saw mill. Prior to the present invention, use of a single, central shaft connected to a rectangular guide block could not ensure proper alignment between the block and blade while also ensuring that the block is the proper distance from the blade. Thus, in

order to ensure alignment of the rectangular block with the blade, two or more shafts offset from the center of the block had to be utilized, as is taught by Morgan.

Further, use of anti-rotation nubs, teeth, detents and the like to selectively prevent rotation between a guide block and a blade were not contemplated prior to the present invention because they were not needed. As discussed above, such anti-rotation means would serve no useful purpose where circular guide block are used. Further, prior to the present invention, rectangular guide blocks were affixed to the saw mill frame such that rotation of the guide block was prohibited entirely and the block remained in alignment with the blade. Anti-rotation nubs, teeth, detents and the like would serve no purpose in either context.

The present invention provides the ease of adjustability previously only available in circular guide blocks along with the benefit of greater surface area of a polygonal (rectangular) guide block. To overcome the deficiencies of circular guide blocks (reduced cross section) and of rectangular guide blocks (difficulty in adjusting and positioning), applicant has come up with a unique configuration whereby the block is freely rotatable relative to the threaded shaft to allow alignment with the blade after the longitudinal positioning has been set, AND a mechanism is provided for rendering the block non-rotatable to ensure that it remains in alignment with the blade during operation. As such, it is not old and well known in the art of saw blade guides to attach a rectangular guide block by using a center shaft connection along with anti-rotation nubs, teeth, detents and the like as set forth in the office action. Accordingly, the section 103 rejection of claims 1 and 10 as unpatentable over Morgan is improper and should be withdrawn.

Further, claims 1 and 10 have been amended to claim a second end of the shaft being received in a mounting bracket of a saw mill. Support for this amendment is found in the

original specification on page 6 in the first full paragraph. Claim 1 has been further amended to state that the securing nut is “positioned between said mounting bracket and said guide block.” Morgan does not disclose or suggest either limitation. Rather, Morgan teaches securing nuts 10 threaded onto the shafts 9 on the side of the mounting flange 4 opposite the guide block 20. The securing nuts 10 of Morgan are not “positioned between the bracket and guide block”, nor do the securing nuts 10 of Morgan “engage the second surface of said guide block” thereby rendering that which was rotatable fixed.

For the foregoing reasons, the rejection of Claims 1 & 10 as being unpatentable over Morgan is improper and withdrawal of this rejection is respectfully requested.

Claims 7-9, 11 & 12 have been rejected under 35 U.S.C. Section 103 (a) as being unpatentable over Morgan in view of Robinson (U.S. Patent No. 3,104,575). The rejection of these claims is identical to the rejection made in the Office Action of February 11, 2003. No new grounds have been given and no response to applicant’s arguments of August 9, 2003 response has been made. Applicant respectfully requests consideration of the arguments set forth in his response of August 9, 2003 and withdrawal of the rejection.

As discussed above and in applicant’s responses to the July 9, 2002 Office Action and the February 11, 2003 Office Action, the combination of Robinson with Morgan does nothing to cure the deficiencies of Morgan with respect to independent claim 1 from which claims 7-9 depend nor does it do anything to cure the deficiencies of independent claim 10 from which claims 11 & 12 depend. Accordingly, the 103 rejection of claims 7-9 and 11 & 12 is improper and should be withdrawn.

Further, Robinson does not disclose or suggest a guide block of **bi-metallic** material as set forth in claims 7-9 and 11 & 12. Robinson merely discloses that the wear components can be made of a **single metallic material** – hardened steel. Robinson only suggests the use of an alternative material and does not suggest in any way formation of a guide block comprising more than one metallic material. Accordingly, the 103 rejection of claims 7-9, 11 & 12 is improper for these additional reasons and withdrawal thereof is respectfully requested.

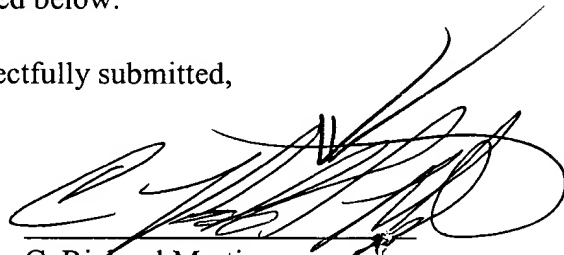
### SUMMARY

Applicant submits that this application is in condition for allowance and early notice of same is earnestly solicited.

Should the Examiner have any questions, comments or suggestions, he is invited to contact applicant's representative at the telephone number indicated below.

Respectfully submitted,

By:



C. Richard Martin  
Registration No. 37,080

Date: December 23, 2003

MARTIN & MARTIN  
125 S. Second St.  
P.O. Box 29  
Boonville, IN 47601-0029  
Telephone: (812) 897-3650  
Facsimile: (812) 897-3651